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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/431,451 11/01/99 SENAPATHY

P 34623.005

EXAMINER

HM12/0731

INTELLECTUAL PROPERTY DEPARTMENT  
DEWITT ROSS & STEVENS SC  
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MADISON WI 53717-1914

SISSON, R

ART UNIT

PAPER NUMBER

1655

DATE MAILED:

07/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

8

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

The reply filed on 14 June 2001 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The format of the amendment is improper. Applicant is requested to resubmit the amendment in the following format: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks/arguments (37 CFR 1.111); and (3) starting on a separate page, a marked-up version entitled "Version with markings to show changes made." In the instant case, the response was found to present first a marked-up version for entry (pages 2-5 of the response), and as an appendix, a clean copy and another version of the marked-up claims. Please see the attached "Changes to Patent Rules" and "Sample Amendment Format." See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (703) 308-3978. The examiner can normally be reached on Monday through Thursday from between the hours of 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (703) 308-1152. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7230.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

Attachments:

Changes to the Patent Rules  
Sample Amendment Format

Bradley L. Sisson  
Primary Examiner  
Art Unit: 1655

# Changes to the Patent Rules

October 24, 2000

Volume 1, Issue 1

This is the first in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website <http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>.



## Simplified Small Entity Status Practice. Now only an assertion is required. 37 CFR 1.27

The rule package "Changes to the Patent Business Goals - Final Rule" published in the Federal Register on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the Official Gazette on September 19, 2000, 1238 Off. Gaz. Pat. Office 77 (September 19, 2000). The PBG rule package makes a number of revisions to Title 37.

The entire final rule may be accessed through the USPTO homepage. Click on the button "PBG - Final Rule."

Areas primarily affected by this rule change include:

- (1) Office of Initial Patent Examination
- (2) PCT Operations
- (3) Tech Centers
- (4) Office of Patent Publication

Any questions related to this change in practice should be directed to:

Eugenia Jones,  
Legal Advisor,  
(306-5586), or  
Hiram Bernstein,  
Senior Legal Advisor,  
(305-8713).  
OPLA.

Effective September 8, 2000, small entity status can be established at any time by a simple written assertion of entitlement to small entity status. Specific forms are no longer required but may continue to be used. The Office will liberally construe any written reference to small entity status to be a request for small entity status. Certain Office forms (e.g., application transmittal forms) have been modified to include a box which can be checked to establish small entity status: <http://www.uspto.gov/web/forms/index.html>. The new standard for obtaining small entity status also applies to applications or papers filed before September 8, 2000, where status has not yet been accorded. A surcharge is required if an application was filed prior to September 8, 2000, which did not comply with the former 37 CFR 1.27, but in which small entity status was established as of September 8, 2000, under amended 37 CFR 1.27, unless the large entity basic filing fee or a general authorization to charge fees to a deposit account was present on filing.

Payment of any exact small entity basic filing (§§ 1.16(a), (f), (g), (h), or (k)) or basic national fee (§§ 1.492(a)(1)-(a)(5)) is also considered an assertion of small entity status. This is so even if the wrong exact basic filing fee or national fee is selected for the type of application being filed. Payment of any other fee in its exact small entity amount will **not** result in small entity status without a specific written assertion of entitlement to small entity status. In other words, if small entity status was not established when the

basic filing or basic national fee was paid, a later claim to small entity status requires an actual written assertion and not merely payment of a small entity fee.

The parties who can assert small entity status have been expanded to include a registered practitioner (who need not actually be of record), one of the inventors (instead of all of the inventors), or a partial assignee (instead of all the assignees). An assertion of small entity status by an assignee, however, must be filed by a party identified in 37 CFR 1.33(b) (e.g., a registered attorney or agent).

Even though payment of an exact small entity basic filing fee or basic national fee is sufficient to assert small entity status, the Office encourages applicants to file a written assertion of small entity status as well as pay the exact amount of the small entity basic filing or basic national fee. A written assertion will provide small entity status should applicant fail to pay the exact small entity basic filing or basic national fee.

Applicants still need to make a thorough investigation of all facts and circumstances before making an assertion of entitlement to small entity status.

**MPEP 509.02 & 509.03**

*Small entity status is easy to establish, forms are no longer required.*